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**FILED**  
08/19/21  
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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Establish  
Policies, Processes, and Rules to Ensure  
Reliable Electric Service in California in the  
Event of an Extreme Weather Event in 2021.

Rulemaking 20-11-003

**ADMINISTRATIVE LAW JUDGE'S RULING  
ON UNION OF CONCERNED SCIENTISTS' SHOWING  
OF SIGNIFICANT FINANCIAL HARDSHIP**

<b>Customer (party intending to claim intervenor compensation):</b> Union of Concerned Scientists	
<b>Assigned Commissioner:</b> Marybel Batjer	<b>Administrative Law Judge:</b> Brian Stevens

**PART I: PROCEDURAL ISSUES**  
**(Completed by the party intending to claim intervenor compensation)**

<b>A. Status as "customer" (see Pub. Util. Code § 1802(b))<sup>1</sup></b> The party claims "customer" status because the party is (check one):	<b>Applies (check)</b>
<b>1.</b> A <b>Category 1</b> customer is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and, at the same time, the customer must represent the broader interests of at least some other customers. (See, for example, D.08-07-019 at 5-10).	<input type="checkbox"/>
<b>2.</b> A <b>Category 2</b> customer is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers selects a more skilled person to represent the customer's views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group.	<input type="checkbox"/>
<b>3.</b> A <b>Category 3</b> customer is a formally organized group authorized, by its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers receiving bundled electric service from an	<input checked="" type="checkbox"/>

<sup>1</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

<p>electrical corporation (§ 1802(b)(1)(C)). Certain environmental groups that represent residential customers with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws. (<i>See</i> D.98-04-059, footnote at 30.)</p>	
<p><b>4. The party's detailed explanation of the selected customer category.</b></p> <p><u>The party's explanation of its status as a Category 1 customer.</u> A party seeking status as a Category 1 customer must describe the party's own interest in the proceeding and show how the customer's participation goes beyond just his/her own self-interest and will benefit other customers. Supporting documents must include a copy of the utility's bill.</p> <p><u>The party's explanation of its status as a Category 2 customer.</u> A party seeking status as a Category 2 customer must identify the residential customer(s) being represented and provide authorization from at least one customer.</p> <p><u>The party's explanation of its status as a Category 3 customer.</u> If the party represents residential and small commercial customers receiving bundled electric service from an electrical corporation, it must include in the Notice of Intent either the percentage of group members that are residential ratepayers or the percentage of the members who are receiving bundled electric service from an electrical corporation. Supporting documentation for this customer category must include current copies of the articles of incorporation or bylaws. If current copies of the articles and bylaws have already been filed with the Commission, only a specific reference (the proceeding's docket number and the date of filing) to such filings needs to be made.</p> <p>The Union of Concerned Scientists (UCS) is a non-profit, membership organization devoted to building a healthier environment and a safer world through the use of rigorous scientific analysis, innovative thinking and committed citizen advocacy. As described in its bylaws, UCS conducts scientific and technical analysis and research in the public interest, disseminates the results of this research and analysis to the general public, and presents its views and assists members in presenting their views before administrative agencies and courts (UCS, Bylaws, Article II). UCS filed a copy of its bylaws with the Docket Office and the Assigned Administrative Law Judge in R.16-02-007 on September 16, 2016. Parties may request a copy from the undersigned.</p> <p>UCS has actively participated in numerous proceedings before this Commission with a focus on renewable energy, electricity procurement, and greenhouse gas policies. UCS has been ruled eligible for intervenor compensation in numerous proceedings before this Commission. UCS was most recently granted intervenor compensation in R.16-02-007 in Decision 20-12-041 on December 21, 2020.</p>	

<p>UCS has over 120,000 individual members nationwide, with over 14,000 members in California, which is approximately 11% of total members. The Commission has held:</p> <p style="padding-left: 40px;">With respect to environmental groups, we have concluded they were eligible in the past with the understanding that they represent customers whose environmental interests include the concern that, e.g., regulatory policies encourage the adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging. They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example.” (D.88-04-066, at 3.)</p> <p>UCS respectfully requests a finding that it is a “customer” pursuant to Section 1802(b).</p>	
<p><b>Do you have any direct economic interest in outcomes of the proceeding?</b><sup>2</sup> If “Yes”, explain:</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p><b>B. Conflict of Interest (§ 1802.3)</b></p>	<p><b>Check</b></p>
<p>1. Is the customer a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>C. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):</b></p>	
<p>1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 12/15/2020</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2. Is the party’s NOI filed at another time (for example, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did not reasonably allow parties to identify issues within the timeframe normally permitted, or new issues have emerged)?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>2a. The party’s description of the reasons for filing its NOI at this other time:</p>	
<p>2b. The party’s information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, Administrative Law Judge’s ruling, or other document authorizing the filing of NOI at that other time:</p>	

<sup>2</sup> See Rule 17.1(e) of the Commission’s Rules of Practice and Procedure.

**PART II: SCOPE OF ANTICIPATED PARTICIPATION**  
**(Completed by the party intending to claim intervenor compensation)**

**A. Planned Participation (§ 1804(a)(2)(A)):**

The party's statement of the issues on which it plans to participate:

UCS intends to participate on the following issues: identifying the capacity needed to maintain grid reliability in summer 2021, ensuring that any authorized procurement considers greenhouse gas emissions and criteria air pollutants, ensuring that any authorized procurement follows California's loading order and prioritizes preferred resources, and ensuring that any authorized procurement considers impacts on disadvantaged communities.

The party's explanation of how it plans to avoid duplication of effort with other parties:

UCS intends to collaborate with other environmental organizations and environmental justice organizations with similar interests in this proceeding. UCS has filed and will continue to file comments jointly with some of those organizations, such as Sierra Club and the California Environmental Justice Alliance (CEJA). When UCS does not submit joint filings, it will coordinate with likeminded parties to ensure that its filings offer unique contributions to the proceeding.

The party's description of the nature and extent of the party's planned participation in this proceeding (to the extent that it is possible to describe on the date this NOI is filed).

UCS has already submitted joint comments in response to the OIR and rulings. Moving forward, UCS may submit expert testimony related to the issues outlined above. UCS will also submit opening and reply briefs and will comment on any proposed decisions issued. If workshops or other meetings are held, UCS will participate to advocate for the issues outlined above. UCS will continue to coordinate with other environmental and environmental justice organizations, as well as community choice aggregators (CCAs) and others to discuss the issues raised in this proceeding and to ensure that UCS is providing useful and original information to the Commission in this proceeding.

**B. The party's itemized estimate of the compensation that the party expects to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)):**

Item	Hours	Rate \$	Total \$	#
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>				
Mark Specht, Senior Energy Analyst	75	\$220	\$16,500	
Additional analyst support (full time staff)	50	\$300	\$15,000	
<b><i>Subtotal: \$31,500</i></b>				

OTHER FEES				
n/a				
<i>Subtotal: \$0</i>				
COSTS				
n/a				
<i>Subtotal: \$0</i>				
<b><i>TOTAL ESTIMATE: \$31,500</i></b>				
<b>Estimated Budget by Issues:</b> <ul style="list-style-type: none"> <li>Identifying supply needed during peak and net peak demand hours (50%)</li> <li>Establishing criteria for resource procurement to meet identified need (30%)</li> <li>Reducing demand during peak and net peak demand hours (20%)</li> </ul>				

**PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**  
**(Completed by party intending to claim intervenor compensation)**

<b>A. The party claims that participation or intervention in this proceeding without an award of fees or costs imposes a significant financial hardship, on the following basis:</b>	<b>Applies (check)</b>
1. The customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate's fees, expert witness fees, and other reasonable costs of participation (§ 1802(h)).	<input type="checkbox"/>
2. In the case of a group or organization, the economic interest of the Individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding (§ 1802(h)) .	<input checked="" type="checkbox"/>
3. The eligible local government entities' participation or intervention without an award of fees or costs imposes a significant financial hardship (§ 1803.1(b)).	<input type="checkbox"/>
4. A § 1802(h) or § 1803.1(b) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption in this proceeding (§ 1804(b)(1)).	<input type="checkbox"/>
Commission's finding of significant financial hardship made in proceeding number:	<input type="checkbox"/>
Date of Administrative Law Judge's Ruling (or CPUC Decision) in which the finding of significant financial hardship was made:	

**B. The party's explanation of the factual basis for its claim of "significant financial hardship" (§ 1802(h) or § 1803.1(b))**

Because more than one year has elapsed since the Commission most recently found that UCS demonstrated significant financial hardship (ALJ Ruling in R.16-02-007, dated August 1, 2016), UCS seeks a new finding in this NOI.

"Significant financial hardship" means, in the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding. The Commission has held that organizations with individual members who have annual utility bills of less than \$50,000 possess economic interests that are small in comparison to the costs required to participate in the proceeding (D.95-02-093, at 4). According to the Commission, an "individual member" means individual members, not the collective membership. UCS meets this test for significant financial hardship. Although there is no survey of the electricity bills of its membership, it can be stated with confidence that the average annual residential utility bill of UCS's members does not exceed \$50,000. Because UCS represents individual ratepayers, the economic interests of its membership are small compared to cost of participation in this proceeding.

**PART IV: ATTACHMENTS DOCUMENTING  
SPECIFIC ASSERTIONS MADE IN THIS NOTICE**

**(The party intending to claim intervenor compensation identifies and attaches documents)**

<b>Attachment No.</b>	<b>Description</b>
1	Certificate of Service

**ADMINISTRATIVE LAW JUDGE RULING**

The Notice of Intent to Claim Intervenor Compensation (NOI) filed by Union of Concerned Scientists has preliminary demonstrated significant financial hardship for the reasons set forth in Part III(A)(2) of the NOI (above).	<input checked="" type="checkbox"/>
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**IT IS RULED** that:

1. Union of Concerned Scientists has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input checked="" type="checkbox"/>
2. Union of Concerned Scientists has shown significant financial hardship.	<input checked="" type="checkbox"/>
3. Union of Concerned Scientists is preliminarily determined to be eligible for intervenor compensation in this proceeding. However, a finding of significant financial hardship in no way ensures compensation.	<input checked="" type="checkbox"/>

Dated August 19, 2021, at San Francisco, California.

/s/ BRIAN R. STEVENS

Brian R. Stevens  
Administrative Law Judge